

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHARLES DIXON, #139244

Plaintiff,

Vs.

RICHARD ALLEN, et.al.,

Defendants.

CIVIL ACTION NO.2:06-CV-266-MHT

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Gwendolyn Mosley, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Gwendolyn Mosley and I am presently employed as a Correctional Warden III, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Drive, Clio, AL 36017. I am over twenty-one (21) years of age.

ADDITION TO PREVIOUS AFFIDAVITS

We do not have inmates waiting in line to use the bathroom facilities. I have seen no evidence that indicates the bathroom facilities are not adequate for the current prison population here at Easterling.

At present, our facility has approximately 1269 inmates. The facility was designed to house approximately 652 inmates. Most of our inmate's beds are stacked beds (bunks), due to the increase of inmates entering the facility. I do not have control over the number of inmates entering our facility.



**Affidavit-Gwendolyn Mosley
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Inmates are allowed two or three recreation/yard times on First Shift and one recreation/yard time on Second Shift. Inmate recreation time is based on daily inmate counts and feeding time.

Our Law Library operates on Tuesday-Friday from 8:00 AM to 4:00 PM. All inmates that use the Law Library are allowed to use it when their assigned dormitory has yard and gym call. Inmates that need additional time have the opportunity to request for additional time by written request slip to the Law Library Officer.

All inmates at Easterling Correctional Facility are provided proper bedding. They receive one blanket, two sheets, one pillow case, and one mattress. Inmates' blankets are washed once a month, upon inmate request, by turning their blankets in to be washed. All inmates have the opportunity to turn in their clothes three times a week to be washed. If any clothes are not washed, inmates are to inform the dorm officer. The dorm officer will have all inmates that have wet clothing turn them back in to the Laundry for proper drying.

Inmate Dixon's allegation that there was an incident regarding the barbers being made to stop cutting hair because of a Staph epidemic is not true.

At 3:00 AM every morning, inmates receive a wake-up call and call to get ready for the morning meal. This is broadcast through a speaker in the dorm.

Our facility received an Annual Drinking Water Quality report from the City of Clio, Alabama (Exb. #1). The City of Clio has been asked in the past if they have received any health complaints related to the drinking water. They advised that there have been no health complaints related to the water consumption (Exb. #2).

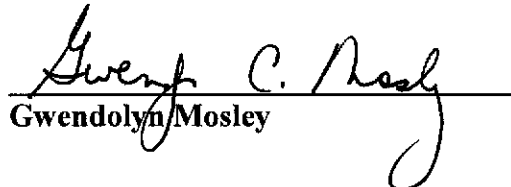
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Our dorms are ventilated by windows, fans, and ventilator fans. The quality of the air in the dorms is acceptable.

Our facility is not fully staffed at the present time with the number of officers that we should have, but we have officers to work overtime to fill in the areas that are needed.

Easterling Correctional Facility has one physician. Our current physician is able to cover inmate requests and provide medical attention.

Easterling Correctional Facility does not have a faulty fire alarm system. The system is checked periodically by our Fire Safety Officer.


Gwendolyn Mosley

SWORN TO AND SUBSCRIBED TO before me this the 28th day of

August, 2006.


NOTARY PUBLIC

My Commission Expires: 7-15-07

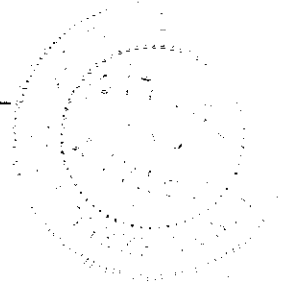


EXHIBIT #1

JUN 27 2006

Table of Primary Contaminants

high levels some primary contaminants are known to pose a health risks to humans. This table provides a quick glance of any
mary contaminant detections.

CONTAMINANT	MCL	RANGE DETECTED	CONTAMINANT	MCL	RANGE DETECTED
Microbiological			Endothall	100	ND
Total Coliform Bacteria	< 5%	0	Endrin	2	ND
Turbidity	TT	0.31 1.05	Epichlorohydrin	TT	ND
Metals			Glyphosate	700	ND
Aluminum (ppm)	4	ND	Heptachlor	400	ND
Barium (ppm)	15	4.12+/-0.57 42+/-2	Heptachlor epoxide	200	ND
Bismuth 228	5	0.0/-0.4 1.5+/-0.6	Hexachlorobenzene	1	ND
Cadmium	30	ND	Lindane	200	ND
Organic			Methoxychlor	40	ND
Antimony (ppb)	6	ND	Oxamyl [Vydate]	200	ND
Arsenic (ppb)	10	ND	PCBs	500	ND
Asbestos (MFL)	7	ND	Pentachlorophenol	1	ND
Barium (ppm)	2	ND	Picloram	500	ND
Beryllium (ppb)	4	ND	Simazine	4	ND
Bismuth (ppb)	5	ND	Toxaphene	3	ND
Chromium (ppb)	100	ND	Benzene	5	ND
Copper (ppm)	AL=1.3	ND	Carbon Tetrachloride	5	ND
Cyanide (ppb)	200	ND	Chlorobenzene	100	ND
Fluoride (ppm)	4	0.71 1.07	Dibromochloropropane	200	ND
Lead (ppb)	AL=15	ND	O-Dichlorobenzene	600	ND
Mercury (ppb)	2	ND	p-Dichlorobenzene	75	ND
Nitrate (ppm)	10	0.19 0.0.20	1,2-Dichloroethane	5	ND
Nitrite (ppm)	1	ND	1,1-Dichloroethylene	7	ND
Selenium	50	ND	Cis-1,2-Dichloroethylene	70	ND
Thallium	2	ND	trans-1,2-Dichloroethylene	100	ND
Organic Chemicals			Dichloromethane	5	ND
2,4-D	70	ND	1,2-Dichloropropane	5	ND
2,4,5-TP (Silvex)	50	ND	Ethylbenzene	700	ND
Acrylamide	TT	ND	Ethylene dibromide	50	ND
Alachlor	2	ND	Styrene	100	ND
Atrazine	3	ND	Tetrachloroethylene	5	ND

Benzo(a)pyrene(PHAs)	200	ND	1,2,4-Trichlorobenzene	70	ND
Carbofuran	40	ND	1,1,1-Trichloroethane	200	ND
Chlordane	2	ND	1,1,2-Trichloroethane	5	ND
Dalapon	200	ND	Trichloroethylene	5	ND
Di-(2-ethylhexyl)adipate	400	ND	THM	80	ND
Di(2-ethylhexyl)phthalates	6	ND	Toluene	1	ND
Dinoseb	7	ND	Vinyl Chloride	2	ND
Diquat	20	ND	Xylenes	10	ND
Dioxin[2,3,7,8-TCDD]	30	ND	TOC	TT	ND
Chlorimines (MRDLG)	4	ND	Chlorine (MRDLG)	4	ND
Chlorite	1	ND	Bromate	10	ND
Chlorine Dioxide (MRDLG)	800	ND	HAA5's	60	ND

TABLE OF DETECTED CONTAMINANTS

Contaminant	Violation Y/N	Range Detected	Unit Measurement	MCLG	MCL	Likely Source of Contamination
Turbidity 04 Test Results	NO	0.31-1.05		n/a	TT	Soil runoff
Alpha emitters Results 05	NO	4.12+57 42+/-2	pCi/l	0	15	Erosion of natural deposits
Combined radium (2005)	NO	0.0/-0.41.5+/-0.6	pCi/l	0	5	Erosion of natural deposits
Fluoride 2004 Test Results	NO	0.71 1.07	ppm	4	4	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories
Nitrate (as Nitrogen) (Test results 2005)	NO	0.19 0.0.20	ppm	10	10	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits

TABLE OF DETECTED SECONDARY CONTAMINANTS (TEST RESULTS 2004)

Contaminant	MCL	Range of Detects	Contaminant	MCL	Range of Detects
Aluminum	0.2	0.067-0.204	Manganese	0.05	ND-0.012
Chloride	250	13.0-16.4	Zinc	5	ND-0.061
Color	15	5-10	Lead	0.015	ND-0.044
Copper	1	ND-0.054	Sulfate	250	97.5-129
Iron	0.3	ND-0.359	Total Dissolved Solids	500	168-248

TABLE OF SPECIAL CONTAMINANTS (TEST RESULTS 2004)

Contaminant	Range of Detects	Contaminant	Range of Detects	Contaminant	Range of Detects	Contaminant	Range of Detects
Calcium	1.6-2.84	Hardness CaCo3	3.01-7.80	Alkalinity	163-236	Specific Conductance	436-501
Sodium	97.5-129	Langelier Index	-0.38 +0.95	PH	8.75-9.769.0		

In addition to the primary drinking water contaminants, the utility monitors regularly for the following unregulated and secondary contaminants as regulated by the Alabama Department of Environmental Management. Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted.

TABLE OF UNREGULATED DETECTED CONTAMINANTS

CONTAMINANT	RANGE OF DETECTS	CONTAMINANT	RANGE OF DETECTS
Bromodichloromethane	1.60	Dibromochloromethane	2.45
Chloroform	1.26	Bromoform	1.35

EXHIBIT #2

Jack Pelfrey
Mayor

Judy Riley
Mayor Pro-Tem

Vivian Hagler
City Clerk

City of Clio

3311 Elamville Street
Post Office Box 219
Clio, Alabama 36017
(334) 397-2723

Council Members:

Beverly Clark
Stephanie Sapp
Kenneth Johnson
Matthew White



August 25, 2005

Easterling Correctional Facility
Lieutenant Willie Bryant
200 Wallace Drive
Clio, Alabama 36017

RE: Alabama Department of Environmental Management Mandated Water Testing

Dear Lieutenant Bryant,

The City of Clio provides water to 934 households and Easterling Correctional Facility, serving a population of approximately 5,000 people.

Water testing requirements from the Alabama Department of Environmental Management (ADEM) and the Environmental Protection Agency (EPA) are strictly adhered to.

We have had no complaints of skin rashes or other health related problems related to water consumption. Therefore, we have no reason to suspect the water supply to be the culprit of rashes.

Please find attached copies of *Water Quality Reports* (for both 2003 & 2004) that are published by our office annually. These reports meet stringent guidelines set forth by ADEM and EPA.

If we may be of further service to you please call this office between the hours of 8:00 AM and 4:00 PM, Monday thru Friday.

Sincerely,

Vivian Hagler
City Clerk